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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,142	07/05/2000	Masahiro Ito	719-X00-006	4378
7590	07/28/2004			
Martin Fleit Fleit Kain Gibbons Gutman & Bongini 520 Brickell Key Drive A201 Miami, FL 33131			EXAMINER JEANTY, ROMAIN	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,142

Applicant(s)

ITO, MASAHIRO

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Final Office Action is in response to the Amendment filed May 24 2004. By the Amendment, claims 1-7 were amendment, claims 1-7 were amended, and claim 8 was added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, and 2 are rejected under 35 U.S.C 102(e) as being anticipated by Walker et al "Walker" (U.S. 6,594,638).

As per claim 1, Walker discloses substantial features of the invention as claimed, Walker teaching a method for administering a survey comprising:

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producing and editing personal-life information/advice in a question- and format that includes a plurality of questions for obtaining desired data requested by businesses or other organizations; a means for supplying the produced and edited personal-life information, including a plurality of questions, to an individual user, who can receive the information at any time (i.e. assembling survey questions request from client/organization and provided the survey to respondents) (col. 6, lines 7-25); a means for collecting and analyzing the aforementioned desired data based in the individual user is obtaining the personal-life information/advice; and a means for supplying the desired data, after it has been collected and analyzed, to the appropriate business or other organization that requested the desired data (i.e., storing and analyzing the survey responses to be supplied to the client) (col. 12, lines 19-26).

As per claim 2, Walker further shows at least six databases (col. 4, line 16 through col. 7 line 24). While they may not have the same names as applicant claimed databases, the examiner notes that any desired names can be given to them, and the names of databases does not affect how the data being stored is used. Thus no patentable weight is given to the names of databases. Furthermore, Walker does not disclose the feature of "maintaining a financial records database a variety of financial records, including fees to be imposed on individual users or business-users for the use of this system". However, Walker discloses the concept of maintaining billing information that specifies how the client is to be charged for surveys conducted on his or her behalf, which is equivalent to applicant's claimed feature. Note col. 4, lines 37-40.

5. Claims 3-5 are rejected under 35 U.S.C 103(a) as being unpatentable over Walker et al "Walker" (U.S. 6,594,638).

As per claim 3, Walker does not explicitly disclose paying to individual users a remuneration. However, it is old and well known in the business art that sellers or clients usually make a down payment "advance remuneration" before providing any services to the sellers or the clients. Therefore, incorporating this well-known teaching into Walker would have been obvious to a person of ordinary skill in the art with the motivation to pay a user or person when taken a survey.

As per claim 4, Walker further discloses a data-collecting system in which the personal-life information/advice includes information concerning premiums or prizes being offered to the individual users by a business or other organization (col. 11, lines 46-51).

As per claim 5, Walker does not explicitly disclose an individual-user's terminal computer is a cellular phone or any other type of mobile terminal. However, it is notoriously old and well known in the communication art to use a cellular phone or any other mobile terminal to communicate with users. It would have been obvious to a person of ordinary skill in the art to incorporate this well known feature into the disclosures of Walker in order to facilitate easy communication.

5. Claims 6, 7, and 8 are rejected under 35 U.S.C 102(e) as anticipated by Walker et al "Walker" (U.S. 6,594,638).

As per claims 6 and 7, Walker discloses all of the limitations of claims 6 and 7 in the rejection of claim 1 above. However, Walker does not explicitly disclose whereby an individual user can select at least one question to be answered from a plurality alternative questions. However, it would have been obvious to incorporate this feature into the

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disclosures of Walker with the motivation to inquire both quantitative and qualitative information concerning the survey.

As per claim 8, Walker discloses a respondent database for storing the respondent's profile to include the respondent's age, address and name (col. 6, lines 51-55 and col. 7, lines 25-35), but fails to explicitly disclose telephone number, occupation, marital status and nationality of user/respondent. It is old and well known in the marketing art to store in a database the telephone number, occupation, marital status and nationality of a user/respondent. It would have been obvious to a person of ordinary skill in the art to incorporate these data in the disclosures of Walker with the motivation to better target the user/respondent.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Boe et al (U.S. Patent No. 6236975) discloses a method for profiling customer for targeted marketing.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

July 21, 2004


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623